UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

January 19, 2021

The Honorable Stephanie Bryan
Chair of the Poarch Band of Creek Indians
5811 Jack Springs Road
Atmore, Alabama 36502

Subject: Discussion and Feedback Received on the Executed Section 106 Programmatic Agreement Regarding Florida's Assumption of a Section 404 Program

Dear Chair Bryan:

The U.S. Environmental Protection Agency appreciates your engagement in the discussions about the Programmatic Agreement (PA) established under Section 106 of the National Historic Preservation Act (NHPA) and the regulations at 36 C.F.R. Part 800 regarding the State of Florida's assumption of a Clean Water Act Section 404 program. The PA was fully executed on December 16, 2020, by signature of the Florida State Historic Preservation Officer (SHPO), the Florida Department of Environmental Protection (FDEP), and the Advisory Council on Historic Preservation (ACHP).

The PA sets forth the roles and responsibilities of the parties of the PA, consistent with NHPA and the regulations at 36 C.F.R. Part 800. In addition, Section VIII.b. of the PA indicates that EPA will "engage in and complete further discussions with the Florida SHPO, FDEP, the ACHP, and the Consulting Tribes, to consider potential amendments to this PA regarding continuing tribal engagement and EPA oversight of the State's administration of its 404 program." Pursuant to this provision, EPA engaged the Choctaw Nation of Oklahoma, the Miccosukee Tribe of Indians of Florida, the Muscogee (Creek) Nation, the Poarch Band of Creek Indians, the Seminole Tribe of Florida, the Florida SHPO, FDEP, and the ACHP in discussions regarding the PA.

EPA hosted four meetings with the entities identified above, which were held on December 21, 2020, December 29, 2020, January 7, 2021, and January 14, 2021. EPA facilitated discussions, received feedback and provided information regarding the PA during these meetings. Based on these discussions, EPA has determined that an amendment to the PA is not needed. EPA has enclosed with this letter a summary of EPA's consideration of the feedback received during the meetings, and in certain instances, references to materials that provide more information on the issues raised.

If you have any questions regarding this matter, please contact me at (404) 562-9345, or have a member of your staff contact Mr. Kelly Laycock at (404) 562-9132 or laycock.kelly@epa.gov.

Sincerely,

JEANEANNE GETTLE

Digitally signed by JEANEANNE GETTLE
Date: 2021.01.19 16:58:45 -05'00'

Jeaneanne M. Gettle, Director
Water Division

Enclosure: Summary of Discussion and Feedback Received on the 12/16/2020 National Historic Preservation Act Section 106 Programmatic Agreement (PA) for Florida 404 Assumption

cc: Mr. Larry Haikey, Tribal Historic Preservation Officer
Poarch Band of Creek Indians

Ms. Kristi Weatherford, Environmental Director
Poarch Band of Creek Indians